

Matthew Borden, admitted *pro hac vice*
borden@braunhagey.com

J. Noah Hagey, admitted *pro hac vice*
hagey@braunhagey.com

Athul K. Acharya, OSB No. 152436
acharya@braunhagey.com

Gunnar K. Martz, admitted *pro hac vice*
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP
351 California Street, Tenth Floor
San Francisco, CA 94104
Telephone: (415) 599-0210

Kelly K. Simon, OSB No. 154213
ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON
P.O. Box 40585
Portland, OR 97240
Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF ALEX MILAN TRACY IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Alex Milan Tracy, declare:

1. I am an Oregon resident who lives in the City of Portland. Since this lawsuit began, my photographs have been published by CNN, ABC, CBS, *People Magazine*, *Mother Jones*, and *Slate*, among others. I have covered a great deal of the recent protests over George Floyd and police brutality in Portland. If called as a witness, I could, and would, testify competently to the facts below.

2. I am a plaintiff in this case and helped secure a temporary restraining order from the Court protecting journalists and legal observers from being targeted by the Portland Police Bureau and other police agencies working with PPB.

3. On July 19, 2020, I was reporting on the protests in downtown Portland in front of the Hatfield Courthouse. I was using two large, professional Fujifilm X-T3 cameras: one with a wide lens, and another with a telephoto lens. I was also holding a GoPro HERO8 camera. I was wearing a press card that clearly states I am press. I was also wearing a helmet that said “PRESS” in big white letters across both the front and back. I was there in my capacity as a member of the media. I did not protest or demonstrate.

4. I was documenting federal agents just before midnight as they were launching a barrage of tear gas at a group of people in conjunction with other munitions. I was standing in an open, well-lit area, not behind any protestors.

5. As I was taking video and photographing the chaos, a federal agent shot me in my left ankle joint with an impact munition round. At the same time, I was consumed with tear gas and hit with pepper-balls on my right elbow. The pain was so bad that I had to be assisted by a fellow photojournalist, Nathan Howard, who helped me get away into Chapman Square and called medics to come over to assist me. I had to stop documenting what was happening at the protest while I recovered.

6. Here is a true and correct copy of the original video documenting this portion of this incident: <https://twitter.com/AlexMilanTracy/status/1285112506030022656>.

7. A video by Nathan Howard of medics attending to me (in which my press helmet is clearly visible) is here: <https://twitter.com/SmileItsNathan/status/1285106514374594560>.

8. The pain was extremely bad. I felt like there was definitely ligament damage. Fortunately, I could still move, so I continued to cover that night until the early hours of July 20.

9. I've been resting my ankle on ice ever since. It is red, purple and extremely sore.

10. Going for the joints to debilitate appears to be a common tactic by these federal agents and can be extremely successful in putting journalists, like me, out of action.


11. I am also aware that federal agents have targeted and severely injured many other journalists and legal observers since they began operations in Portland, including my co-plaintiff Mathieu Lewis-Rolland.

12. I would like to continue attending and documenting the protests as I believe it is vitally important to document what is happening. I am fearful, however, that federal agents will injure me even more severely than they did on the night of July 19.

13. I have watched as every night the conduct by the federal agents has gotten worse and worse since they first appeared. Last night, it seemed to me that the federal agents were specifically targeting reporters.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 20, 2020



Alex Milan Tracy